

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ELSTER SOLUTIONS, LLC, a Delaware  
Limited Liability Company,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal  
corporation, *et al.*,

Defendants.

NO. C16-771RSL

TEMPORARY RESTRAINING  
ORDER

This matter having come before the Court on the Complaint and Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction of plaintiff Elster Solutions, LLC, the Court finds as follows:

1. Elster has demonstrated a substantial likelihood of success on the merits of some, if not all, of its claims.

2. The rights of Elster with respect to its trade secrets, proprietary and confidential information, and competitive interests will be violated by defendants unless defendants are restrained therefrom.

3. Elster will suffer irreparable harm and loss if defendant Seattle City Light (SCL) is permitted to publicly disclose an unredacted copy of Elster's bid proposal submitted in response to SCL's Request for Proposals, "SCL-RFP3404, Advanced Metering Infrastructure."

4. Elster has no adequate remedy at law.

5. Greater injury will be inflicted upon Elster by the denial of temporary injunctive relief

1 than would be inflicted upon defendants by the granting of such relief.

2 6. Defendants City of Seattle and SCL were given notice of Elster's complaint and  
3 motion via telephone conference on May 24, 2016, as well as via email and service on the  
4 Mayor's office on May 25, 2016. Defendants Phil Mocek and MuckRock Foundation, Inc.,  
5 through its registered agent, were given notice of Elster's complaint and motion via email on  
6 May 25, 2016. No response has been filed and no attorney has appeared on defendants' behalf.

7 **IT IS HEREBY ORDERED AND DECREED THAT:**

8 1. A Temporary Restraining Order issue immediately.

9 2. No security is required.

10 3. Defendants are enjoined and restrained, directly or indirectly, and whether alone or in  
11 concert with others, including any officer, agent, representative, and/or employee of defendant  
12 City of Seattle or defendant SCL, from releasing or otherwise disclosing any confidential or  
13 proprietary information, including without limitation any trade secrets, contained in documents  
14 Elster submitted to SCL in connection with SCL's Request for Proposals, "SCL-RFP3404,  
15 Advanced Metering Infrastructure." Defendants are permitted to publicly disclose the redacted  
16 version of the materials that Elster submitted to SCL in connection with SCL's Request for  
17 Proposals, "SCL-RFP3404, Advanced Metering Infrastructure."

18 4. This Order shall remain in full force and effect until hearing and thereafter until further  
19 Order of the Court.

20 5. Defendants shall show cause before the Honorable Robert S. Lasnik on June 9, 2016, at  
21 8:30 a.m. on the 15th floor of the United States Courthouse, 700 Stewart Street, Seattle,  
22 Washington, why a Preliminary Injunction should not be ordered according to the terms and  
23 conditions set forth above. Defendants may file and serve a written response to Elster's  
24 complaint and motion on or before June 2, 2016. Elster may file and serve a written reply on or  
25 before June 7, 2016.

26 6. The Clerk of Court is directed to email a copy of this Order to  
27 jessica.nadelman@seattle.gov, morisy@gmail.com, and

1 10378-42034147@requests.muckrock.com.  
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3 DATED this 26th day of May, 2016, at 3:30 p.m.  
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7 Robert S. Lasnik  
8 United States District Judge  
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